

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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SECURITIES AND EXCHANGE COMMISSION, :	:
Plaintiff, :	:
vs. :	:
:	13 Civ. 4645 (JPO) (RLE)
:	<b>STIPULATION AND</b>
DHIA JAFAR a/k/a DHIA JAFFAR and :	<b>ORDER</b>
OMAR NABULSI, :	:
Defendants. :	:
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WHEREAS, on July 3, 2013, Plaintiff Securities and Exchange Commission (the “SEC”) filed this insider trading action against one or more unknown traders in the securities of Onyx Pharmaceuticals, Inc. (“Onyx”);

WHEREAS, on July 10, 2013, this Court entered an Order Freezing Assets and Granting Other Relief (the “July 10 Order”), which effectively freezes “any assets related to the allegations in the Complaint,” including but not limited to “all assets related to the purchase of . . . Onyx Pharmaceutical, Inc. [sic] options on June 26, 2013 and June 28, 2013, in an account held at Citigroup Global Markets, Inc. and/or its affiliates under the name FFA Private Bank SAL, account number 62301460, including the gross proceeds of any sales of the Onyx options and any unsold shares of the Onyx options traceable to those purchases . . . .” (*see* Docket Entry No. 4, July 10, 2013 Order, at 2);

WHEREAS, pursuant to the July 10 Order, Citigroup Global Markets, Inc. (“Citigroup”) segregated and froze \$2,636,892.56 out of FFA Private Bank SAL (“FFA”) account number ending in 1460 (the “Citigroup Account”);

WHEREAS, on July 11, 2013, Dhia Jafar and Omar Nabulsi (collectively, "Defendants") identified themselves, through counsel, as having entered certain trades at issue in the Complaint;

WHEREAS, on January 23, 2014, the Court entered an Order that the amount of proceeds to be frozen by Citigroup was \$2,551,226, and further ordering that those proceeds would continue to be held in two separate accounts: (1) account number ending in 0360 under the name Dhia Yahya Dhia Al-Din Jaffar, and (2) account number ending in 0361 under the name Omar Abbas Wajih Nabulsi; and

WHEREAS, the SEC now seeks to dismiss this action without prejudice pursuant to Fed. R. Civ. P. 41(a) and Defendants do not object to such dismissal without prejudice; and


WHEREAS, the parties agree that the Defendants' funds that are subject to the asset freeze and held at Citigroup should therefore be released.

IT IS HEREBY STIPULATED AND AGREED by and between the undersigned counsel that:

1. This action should be dismissed without prejudice pursuant to Fed. R. Civ. P. 41(a); and
2. The July 10 Order should be vacated; and
3. The funds held in Citigroup accounts ending in 0360 and 0361 should be released to Mr. Jafar and Mr. Nabulsi, respectively, as soon as practicable upon entry of this Order.


IT IS FURTHER STIPULATED that facsimile signatures shall be deemed original signatures for purposes of this Stipulation.

Dated: September 15, 2015

  
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John W. Berry  
John B. Bulgozdy (admitted *pro hac vice*)  
Donald W. Searles

*Attorneys for Plaintiff Securities and Exchange  
Commission*

Dated: September 15, 2015

  
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Patrick J. Smith  
Jeffrey D. Rotenberg  
Miles D. Norton  
DLA Piper LLP (US)

*Attorneys for Defendants Dhia Jafar and Omar Nabulsi*

**IT IS SO ORDERED.**

Dated: September 16, 2015

  
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J. PAUL OETKEN  
United States District Judge xnl